

RENUMBERED

FROM

**NO. 013**

TO

**NO. 014**

SOURCE:

CASE DOCKETS OF FAR EAST WAR CRIMES TRIALS

RECORD GROUP 153  
ENTRY 1021  
BOX 0001

COPY

HEADQUARTERS EIGHTH ARMY  
United States Army  
Office of the Staff Judge Advocate  
APO 343

Yokohama, Japan  
Case No. 13

UNITED STATES

REVIEW OF STAFF JUDGE ADVOCATE

VS

MOTOICHI SAKAGAMI  
HARAICHI CHIGARA  
TERUO ONO  
SHUNSUKE KATO

\*\*\*\*\*

1. The attached record of trial by Military Commission appointed by Paragraph 11, Special Orders No. 48, Headquarters, Eighth Army, dated 20 February 1946, having been referred to the Staff Judge Advocate, review of same, with opinion and recommendations and reasons therefor, is herewith submitted.

2. Synopsis of Charges, Personal and Other Data Concerning Accused

DUTY ASSIGNMENTS OF ACCUSED: Prisoner of War Camp, No. 23, Fukuoka Area, Iizuka, Kyushu, Japan, various dates between 27 January 1945 to 3 October 1945.

TRIAL HELD: Headquarters Eighth Army, Yokohama, Japan, 23 February 27 February 1946.

MAXIMUM SENTENCE, as to each accused: Death

| <u>Charge and Specifications</u>                              | <u>Plea</u>                       | <u>Death findings</u>                 | <u>Legally Sustained</u> |
|---|-----------------------------------|---------------------------------------|--------------------------|
| Charge: All accused charged with violation of customs of war. | Guilty<br>(Ono and Chihara)       | Guilty<br>(Ono, Chihara and Sakagami) | Yes                      |
|   | Not Guilty<br>(Kato and Sakagami) | Not Guilty<br>(Kato and Sakagami)     |                          |

TERUO ONO - former private Japanese Imperial Army; age 25; single.

|  |        |        |     |
|--|--------|--------|-----|
| Specification: Between 15 March and 15 June 1945, beat prisoner of war T/Sgt Hudson. | Guilty | Guilty | Yes |
|--|--------|--------|-----|

SENTENCE ADJUDGED: 2 years confinement at hard labor

SENTENCE RECOMMENDED: Same

| <u>Charge and Specifications</u>   | <u>Class</u> | <u>Findings</u> | <u>Legally Sustained</u> |
|--|--------------|-----------------|--------------------------|
| <b>MARAICHI CHIHARA - former corporal, Japanese Imperial Army; age 25; single.</b>   |              |                 |                          |
| Specification 1: During August 1945 in conjunction with Shigemaru Oobishi beat and clubbed prisoner of war Sgt. Shoemaker.                         | Guilty       | Guilty          | Yes                      |
| Specification 2: Between 1 April 1945 and 30 May 1945 in conjunction with Shunsuke Kato beat prisoner of war Private Talbert with fists and saber. | Guilty       | Guilty          | Yes                      |

SENTENCE RECOMMENDED: Same.

SENTENCE ADJUDGED: 6 years confinement at hard labor.

**SHUNSUKE KATO - former private first class, Japanese Imperial Army; age 29; single.**

|   |            |            |  |
|---|------------|------------|--|
| Specification: Between 1 April 1945 and 30 May 1945 in conjunction with Maraiichi Chihara beat prisoner of war Private Talbert with fists, bamboo rods and saber. | Not Guilty | Not Guilty |  |
|---|------------|------------|--|

SENTENCE ADJUDGED: Acquittal.

**MOTOICHI SAKAGAMI - alias Motoichi Sakue, former corporal, Japanese Imperial Army; age 26; single.**

|   |            |        |     |
|---|------------|--------|-----|
| Specification 1: During 1 June 1945 and 17 August 1945, beat prisoner of war 1st Class Cook, U.S. Navy, Otto Savage with bamboo rods. | Not Guilty | Guilty | Yes |
|---|------------|--------|-----|

|  |            |        |     |
|--|------------|--------|-----|
| Specification 2: 7 August 1945 beat prisoner of war Navy Machinist Henry Broussard with his fists. | Not Guilty | Guilty | Yes |
|--|------------|--------|-----|

SENTENCE ADJUDGED: Two years confinement at hard labor.

SENTENCE RECOMMENDED: Same.

3. The record of trial in this case comes to this Headquarters for an automatic appellate review, the primary function of which is to assure that the accused have not been denied the rights and protection afforded to them before a military commission trying accused war criminals.

Matters relating to the accused SHUNSUKE KATO, found Not Guilty, will not be considered since any issues involved have been irrevocably resolved in favor of the accused.

#### 4. Summary of the Evidence

By an exchange of correspondence through the Swiss Legation the Japanese Government agreed to apply "muttis mutandis", the convention relative to the treatment of prisoners of war (Ex. 1).

##### As to Accused, Taruo Ono

###### a. For the Prosecution

Though accused pleaded guilty, the prosecution established a prima facie case by showing that accused, a Japanese interpreter, at the Fukuoka Camp, on or about the 15 June 1945, claiming that the work of Technical Sergeant Hudson was unsatisfactory, beat and knocked him to the ground and then kicked him in the testicles (Ex 3, 4, R 8).

###### b. For the Defense

The accused testified under oath (R 21-28) that during his 6 months assignment at Fukuoka Camp he remembered prisoner of war Hudson and that, upon a report that Hudson had neglected his duty, he questioned Hudson who failed to answer immediately, whereupon, accused struck him in the face once with his fists and kicked him in the crotch with his bare foot, but denied striking Hudson many times. (R22, R24). Accused tried to improve conditions at the Camp R26, 27, 28).

##### As to NARAICHI ODEISHI

###### a. For the Prosecution

Though accused pleaded guilty, the prosecution established a prima facie case showing that on or about 14 August 1945, after Shigemaru Odeishi had beat and kicked Staff Sergeant Shoemaker, because of a deficiency in the work, Shoemaker reported to Camp Headquarters as directed where both Odeishi and accused again beat Shoemaker (Ex 6, 7, 8, 9, R 11).

Also on or about April or May 1945 prisoner of war Tolbert, being suspected of stealing food, denied the theft, but a search of his quarters revealed the food whereupon accused several times repeated the process of beating Tolbert unconscious with his fists or a saber, and reviving him by throwing water on him after which accused threw Tolbert to the ground several times by jujitsu knocking him unconscious and reviving him with water each time. Following this abuse, American prisoners were ordered to beat Tolbert with their fists, which caused permanent injury to his nose (Ex 9, 10, R 12).

###### b. For the Defense

Accused testified that, while he was at Fukuoka Camp, he remembered Shoemaker and the incident involving accused and Odeishi. (R 30) admitting that he struck Shoemaker twice with the open palm of his hand but denied Shoemaker's permanent injury (R 31) and denied striking Shoemaker with his fists (R 32). Accused recalled prisoner of war Tolbert who after a questioning admitted a theft of sugar (R 32, R 34), whereupon accused struck